



INTERIOR BOARD OF INDIAN APPEALS

Yavapai-Prescott Tribe v. Acting Phoenix Area Director, Bureau of Indian Affairs

19 IBIA 107 (12/03/1990)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

YAVAPAI-PRESCOTT TRIBE

v.

ACTING PHOENIX AREA DIRECTOR, BUREAU OF INDIAN AFFAIRS

IBIA 90-106-A

Decided December 3, 1990

Appeal from a denial of a Core Management grant application.

Affirmed.

1. Board of Indian Appeals: Jurisdiction--Indians: Financial Matters:
Financial Assistance

Decisions concerning whether a tribe's application for a Core Management grant should be funded are committed to the discretion of the Bureau of Indian Affairs. In reviewing such decisions, it is not the function of the Board of Indian Appeals to substitute its judgment for that of the Bureau. Rather, it is the Board's responsibility to ensure that proper consideration was given to all legal prerequisites to the exercise of discretion.

APPEARANCES: Stan Rice, Jr., former President, and Patricia McGee, President, for appellant.

OPINION BY ADMINISTRATIVE JUDGE VOGT

Appellant Yavapai-Prescott Tribe seeks review of an April 27, 1990, decision of the Acting Phoenix Area Director, Bureau of Indian Affairs (Area Director; BIA), denying its application for a FY 1990 Core Management grant. For the reasons discussed below, the Board affirms the Area Director's decision.

Background

The Phoenix Area Office was allocated \$235,000 in funding for the FY 1990 Core Management grant program. Twenty-five tribes submitted FY 1990 grant applications to the Area Office, requesting a total of \$1,125,612. After reviewing and ranking the applications based upon the scores given by a panel of reviewers for each of eight criteria, the Area Director awarded grants to the seven highest ranking applicants.

Appellant's score of 77.77 placed it tenth on the list. By letter of April 27, 1990, the Area Director informed appellant that its application did not receive a high enough score to be funded.

Appellant's notice of appeal from this decision was received by the Board on June 11, 1990. No briefs were filed.

Discussion and Conclusions

In its notice of appeal, appellant discusses its need for funds under the Core Management program. It does not, however, allege that BIA committed any specific error in reviewing its application.

[1] In Lower Elwha Tribe v. Portland Area Director, 18 IBIA 50, 51 (1989), the Board discussed its role in reviewing BIA decisions concerning whether a particular Core Management grant application should be funded. These decisions, the Board held, are committed to the discretion of BIA. The Board stated: "In reviewing such decisions it is not the Board's function to substitute its judgment for that of BIA. Rather, it is the Board's responsibility to ensure that proper consideration was given to all legal prerequisites to the exercise of discretion." Accord, e.g., Caddo Indian Tribe of Oklahoma v. Acting Anadarko Area Director, 18 IBIA 63 (1989); Stillaguamish Tribe v. Portland Area Director, 18 IBIA 89 (1989).

Upon review of the administrative record in this appeal, the Board concludes that appellant has not shown that the Area Director's decision was in error.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the April 27, 1990, decision of the Acting Phoenix Area Director is affirmed.

//original signed

Anita Vogt
Administrative Judge

I concur:

//original signed

Kathryn A. Lynn
Chief Administrative Judge